

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Michael Carrabes,

Plaintiff,

v.

Expeditors International of
Washington, Inc.

Defendant.

No. 1:24-CV-12142

**PLAINTIFF'S MEMORANDUM IN RESPONSE TO DEFENDANT'S MOTION TO
SET A STATUS CONFERENCE**

Plaintiff Michael Carrabes ("Plaintiff"), by and through undersigned counsel, respectfully responds to Defendant Expeditors International of Washington, Inc.'s ("Expeditors" or "Defendant") Motion to Set a Status Conference ("Motion"). Plaintiff is generally not opposed to a status conference but submits this response to address certain misrepresentations and to request accommodations for Plaintiff's counsel, as set forth below.

INTRODUCTION

Defendant's Motion seeks to convene a status conference to address allegations of an unauthorized recording of a Zoom Court proceeding and anonymous emails sent from a Proton email account. While Plaintiff acknowledges the importance of

maintaining the integrity of court proceedings, Defendant's Motion contains troubling inconsistencies.

Specifically, Defendant has taken contradictory positions regarding the identity of the alleged author of the emails and the individual who recorded the proceeding. While Defendant claims in its Motion that it does not know the identity of the responsible party, it sent Plaintiff's counsel a letter on January 8, 2025, directly accusing Plaintiff's counsel of these acts. (Second Aff. Adam Clermont ¶ 3.) Despite lacking evidence to support this claim, Defendant has failed to retract these allegations. (Id. ¶ 4.)

Plaintiff's counsel, Adam Clermont, is located in Hong Kong, recently underwent surgery, and is unable to travel for at least another month. (Id. ¶¶ 5,6.) Plaintiff requests that any status conference be held remotely to accommodate counsel's medical recovery. Alternatively, Plaintiff's counsel will be in the Boston area from April 22 to May 8, 2025, and respectfully requests that any in-person status conference be scheduled during that time if required.

ARGUMENT

I. Plaintiff Is Not Opposed to a Status Conference

Plaintiff does not, in general, oppose the Court's convening of a status conference to address the issues raised

in Defendant's Motion. However, Plaintiff maintains that any such conference should focus on legitimate and relevant matters and not be used as a platform for Defendant to advance baseless accusations or irrelevant grievances.

II. Defendant's Contradictory Positions Regarding the Emails and Recording

Defendant's Motion asserts that it does not know the identity of the individual responsible for the anonymous emails or the unauthorized recording. However, in a letter dated January 8, 2025, Defendant directly accused Plaintiff's counsel, Adam Clermont, of being responsible for these actions and threatened to bring suit against him.

This inconsistency is deeply concerning. Defendant cannot claim ignorance before the Court while simultaneously accusing Plaintiff's counsel in private correspondence. Despite repeated requests, Defendant has refused to retract these baseless allegations, which lack any evidentiary support. This contradictory conduct undermines the credibility of Defendant's Motion and raises serious concerns about its good faith in bringing this issue before the Court.

III. Plaintiff's Counsel Requests that Any Status Conference Be Held Remotely

Plaintiff's counsel, Adam Clermont, is based in Hong Kong, recently underwent surgery, and is under medical advice

not to travel for at least another month. Plaintiff respectfully requests that any status conference be held remotely to accommodate counsel's medical condition.

IV. Alternatively, Plaintiff's Counsel Will Be Available for an In-Person Hearing from April 22 to May 8, 2025

If the Court deems an in-person status conference necessary, Plaintiff's counsel respectfully requests that the conference be scheduled during the period when counsel will be in the Boston area, from April 22 to May 8, 2025. This accommodation would ensure that Plaintiff's counsel can fully and effectively participate in the proceedings without compromising his health or recovery.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court accommodate Plaintiff's counsel's medical condition by holding any status conference, should the Court find one necessary, remotely. Alternatively, if an in-person status conference is deemed necessary, Plaintiff respectfully requests that the Court schedule the conference during the period when Plaintiff's counsel will be in the Boston area, from April 22 to May 8, 2025.

Plaintiff further requests that the Court remain mindful of Defendant's contradictory positions regarding the identity of the alleged author of the emails and the recording, as well

as Defendant's failure to retract its unfounded accusations against Plaintiff's counsel and its threat to bring suit against him. Plaintiff is confident that the Court will ensure that any status conference focuses on legitimate and relevant matters and is conducted in a manner that is fair and equitable to all parties.

Respectfully submitted,
For and on behalf of the Plaintiff,

/s/ Adam Clermont
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February 2025, a true copy of the foregoing document was filed electronically through the Court's CM/ECF system, is available for viewing and downloading from the ECF system, will be sent electronically to counsel of record as registered participants identified on the Notice of Electronic Filing and via first class mail to all non-registered participants identified on the Notice of Electronic Filing.

/s/ Adam Clermont
Adam Clermont